



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Allan Balmain and
Jingde Zhu

Serial No.: 09/051,159

Filed: April 2, 1998

For: ANTITUMOUR VECTOR CONSTRUCTS
AND METHODS

Attorney Docket No.: CCI-005US

Group Art Unit:

Examiner: Not Yet Assigned

Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

2-10-00

Date of Signature and of Mail Deposit

By:

Giulio A. DeConti, Jr.
Registration No. 31,503
Attorney for Applicants

**SECOND AFFIDAVIT BY ANNE ZWIRLEIN AND MARGARET ROBERTS IN
SUPPORT OF PETITION PURSUANT TO 37 C.F.R. 1.47(a)**

Sir:

We, Anne Zwirlein and Margaret Roberts declare:

1. We are employed by Cyclacel, Limited. (hereinafter "Cyclacel") the assignee of interest by way of the assignment executed on August 31, 1998 by inventor, Dr. Allan Balmain.

2. Margaret Roberts was the Company Administrator at Cyclacel from January 1, 1997 until April 15, 1998 and has been the Human Resources Manager from April 15, 1998 to the present. Anne Zwirlein has been the Personal Assistant to the Chief Executive Officer since January 1, 1998.

3. We sent a copy of United States Patent Application entitled "Antitumour Vector Constructs And Methods" (U.S.S.N. 09/051.159) as filed along with a Declaration, Petition, and Power of Attorney and Assignment documents for execution to Dr. Zhu at his last known home address, 68 Deveron Road, Glasgow, G61 1LN, in Great Britain on August 18, 1998. Attached is a copy of that letter. Although not specifically referred to in the letter, a copy of the application was enclosed.

4. When we received no response, repeated attempts were made to contact Dr. Zhu by telephone between August and October of 1998 both at his home and his work. Specifically, attempts were made to contact Dr. Zhu on August 18, and between September 1 and September 11, 1998.

5. The undersigned, Margaret Roberts, succeeded in making telephone contact with Dr. Zhu at his work during the second week of October, on either October 12 or 13, 1998. During the course of the conversation, Dr. Zhu stated that he refused to sign any documents relating to the above-referenced application and said that he "was no longer involved in the project and that it had nothing to do with him." He did not elaborate any further on the basis for his express refusal to sign the required documents relating to the above-referenced application, apart from reiterating that he wished no further involvement with Cyclacel.

We have been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful and false statements may jeopardize the validity of the subject application or any patent resulting therefrom, and declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true.

Date: 9.2.00Signed: Anne Zwirlein
Anne ZwirleinDate: 9-2-00Signed: Margaret Roberts
Margaret Roberts

APPENDIX A

18 August 1998

Private & Confidential

Dr Jingde Zhu
68 Deveron Road
Glasgow
G61 1LN

Dear Jingde

US Patent Application No: 09/051,159
Title: Antitumour Constructs and Methods

I refer to our telephone conversation today and now enclose a Declaration and Power of Attorney form and Assignment form in respect of the above patent.

Can you please sign and date the form on pages 2 and 4, where indicated by pencil cross. Your signature requires to be witnessed by a solicitor who is a Notary Public. Most solicitors are Notaries Public the approximate cost for this service will be £25. Obviously, Cyclacel will reimburse you for any expenses incurred.

Please return the signed form to me as soon as possible in the enclosed envelope.

Yours sincerely

Anne Zwirlein (Mrs)